

REMARKS

No claims have been canceled. Claims 1-23, 25-46, and 48-54 have been amended to better present the invention. No new claims have been added. Claims 1-54 remain in the application. Favorable action on the application is respectfully requested.

Independent Claims 1 and 46 have been amended to recite

"said spacing blocks extending from first proximal surfaces of said spacing blocks at the inner surface of said jamb face plate, to second outer surfaces of said spacing blocks displaced toward the elongate opening a distance less than the depth distance of the cavity, the second outer surfaces of said spacing blocks thus being intermediate the inner surface of said jamb face plate and the elongate opening of the cavity"

and

"at least one elongate reinforcing insert, received in the elongate cavity and extending from the second outer surfaces of said spacing blocks, in the cavity, to the elongate cavity opening"
(underlining added).

Basis for this language is found in the application as originally filed at page 20 lines 17-31, in FIGURES 6 and 8, and elsewhere. Specific basis for the outer surfaces of the spacing blocks has been added to the specification at page 20 line 22.

In addition, independent Claim 46 has been amended to recite the

"insert being drawn tight against said spacing blocks, and said spacing blocks being drawn tight against said jamb face plate".

Basis for this language is found in the application as originally filed at page 20 lines 20-22 and elsewhere.

Claim Rejections under 35 §U.S.C. 102

Claim 54 stands rejected under 35 U.S.C. §102(e) as being anticipated by

US 2003/0068211 to Bailey. Applicant respectfully traverses the rejection. However, in order to move the application toward allowance, Claim 54 has been amended to recite

"a bore extending from the first end of said fastener head toward the second end of said fastener head and terminating at a dead end of said bore"

Bailey relies on an open-ended through-bore for insertion and manipulation of set screw 30. Accordingly, Bailey does not teach a dead end bore, and cannot tolerate a dead end bore, whereby Bailey does not anticipate the claimed invention, and the claimed invention is not obvious in view of Bailey. Accordingly, Applicant submits that Claim 54 is allowable over Bailey, and all other references of record. Withdrawal of the rejection, and allowance of Claim 54, are respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 1-41 and 46-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,619,823 Ruff in view of US 3,345,780 McGhee in view of US 4,793,109 Noach. Applicant respectfully traverses the rejection. However, in order to move the application toward allowance, the claims have been amended to more specifically point out the invention.

As indicated above, Independent Claims 1 and 46 have been amended to recite

"said spacing blocks extending from first proximal surfaces of said spacing blocks at the inner surface of said jamb face plate, to second outer surfaces of said spacing blocks displaced toward the elongate opening a distance less than the depth distance of the cavity, the second outer surfaces of said spacing blocks thus being intermediate the inner surface of said jamb face plate and the elongate opening of the cavity"

and

"at least one elongate reinforcing insert, received in the elongate cavity and extending from the second outer surfaces of said spacing blocks, in the cavity, to the elongate cavity opening"

(underlining added).

In addition, independent Claim 46 has been amended to recite the

“insert being drawn tight against said spacing blocks, and said spacing blocks being drawn tight against said jamb face plate”.

No reference teaches or suggests using both spacing blocks and a reinforcing insert. The primary reference to Ruff et al, relied on by the examiner, has neither spacing blocks or elongate reinforcing insert. McGhee teaches backing blocks whose purpose is to facilitate attachment of the jamb to the door frame. McGhee fails to appreciate the spacing function of such backing blocks, and accordingly does not properly size/configure the backing blocks to perform the spacing function while accommodating a reinforcing insert.

The examiner relies on Noach to teach a reinforcing insert. However, Noach does not teach a reinforcing insert. Rather, Noach teaches a protective aftermarket facing sections 2a, 3a for covering, protecting existing wood door jambs. Noach does not teach or suggest any reinforcement property contributed by the combination of the jamb substrate and the covering. Indeed, a simple technical review of the teaching of Noach reveals that no reinforcing property is achieved by the Noach structure, compared to a non-faced jamb.

In any event, since the spacing blocks of McGhee are dimensioned to extend to the opening of the cavity, use of such spacing blocks would preclude having an interface between the spacing blocks and an insert inside the cavity as now recited in both independent Claim 1 and independent Claim 46. In addition, Claim 46 recites both the spacing blocks and the insert being drawn to the jamb face plate. No reference of record teaches or suggests such drawn structure.

Accordingly, applicant submits that Claims 1 and 46 patentably distinguish over the references of record. Withdrawal of the rejection of Claims 1 and 46, and all references of record, and allowance of the respective claims, is respectfully requested.

Claim 2 has been amended to recite that the insert is drawn tight against

the spacing blocks and the spacing blocks are drawn tight against the jamb face plate. Basis for this language is found at e.g. page 20 line 21 of the specification. No reference teaches or suggests such drawing.

Claims 3-4 and 48: the examiner has asserted the combination of all three of the references. Since McGhee cannot be properly combined with Ruff and Noach without violating the spacing requirements of Noach, the combination fails and Claims 3-4 and 48 are patentable on their own merits as well as on the merits of the claims from which they depend.

Claims 5 and 49 recite that the insert extends generally...the full depth of the cavity between the opening and the spacing blocks. No combination of references teaches or makes obvious both spacing blocks and an insert in the cavity.

Claims 6-7: No reference teaches or suggests substantially filling the cavity while leaving empty the more difficult, and costly, to fill voids at the edges of the insert. Ruff et al has no insert. McGhee fills the entire cavity. Noach has empty cavity edges, but does not position the jamb against the facing members 2a, 3a.

Claims 8-10 and 50-51 recite spacing blocks between the insert and the jamb face plate. McGhee teaches spacing blocks, but leaves no room for an insert. In addition, Claims 50-51 recite that a collective mounting surface defined by the spacing blocks receives a cooperating surface of the elongate insert. Noach teaches what the examiner calls an insert (applicant denies that element 1 of Noach is an insert), and leaves room for spacing blocks. But use of such spacing blocks would interfere with the Noach requirement that the profiled member/face plate be prevented from advancing toward the jamb/insert. See Noach column 2 lines 42-51. The adjustment requirement of Noach leaves no option for dimensioning spacing blocks and insert such that the insert could be mounted to the outer surfaces of the spacing blocks.

Claims 11-12 recite reinforcement plates between spacing blocks. No reference teaches or suggests, or accommodates such combinations.

Claims 13-14 recite a draw fastener holding the insert and a

corresponding spacing block drawn toward the face plate. No reference teaches or suggests, or makes obvious holding either the insert or a spacing block drawn toward the face plate of the jamb cover.

Claim 15 recites that the draw fastener extends completely through a said spacing block, and completely through said insert, and into a stud which abuts the elongate jamb. No reference teaches or suggests such structural combination.

Claim 16 teaches door interface hardware in the cavity, in combination with the spacing blocks and the insert. No reference teaches or makes obvious how to deal with such door interface hardware while using an elongate reinforcing insert.

Claim 17 recites use of the draw fastener, discussed above.

Claims 18 and 52 recite that the door interface hardware *"interrupts a de minimis portion of an imaginary plane which defines a mounting surface"*. No combination of references makes obvious such interruption.

Claim 19 recites that the door interface hardware occupies different space in a projection of the jamb than is occupied by the spacing blocks. The only arguable spacing blocks in any reference is the backing blocks of McGhee (applicant does not admit that McGhee's backing blocks are the equivalent of applicant's spacing blocks). McGhee uses his backing blocks for attaching the door interface hardware, whereby the backing blocks and the door interface hardware of McGhee occupy the same projected space, which fails to meet, or make obvious, the recited structure of Claim 19.

Claim 20 recites that the spacing blocks extend from said inner flange to said outer flange. The backing blocks of McGhee do not reach to the edge trimming lip portions 20, thus do not reach to the outer flange or the inner flange. If the blocks of McGhee did reach to the outer flange or the inner flange, they would interfere with placement of paneling 40 or plasterboard 50. Thus McGhee teaches away from the blocks extending to the outer flange or the inner flange.

Claim 21 recites that the spacing blocks are friction fitted between said inner flange and said outer flange. McGhee teaches only that his backing blocks

have a width dimension which is substantially equal to that of the jamb-simulating channel portion. McGhee does not contemplate or make obvious a friction fit.

Claims 22-23 recite that both the spacing blocks and the insert are friction fitted between the inner and outer flanges. No reference makes obvious friction fitting of any blocks. Only Noach teaches what the examiner asserts is an insert structure. Applicant does not admit that Noach teaches an insert structure. Rather, Noach teaches a covering which is applied over an existing jamb on an existing door frame which is installed on an existing building. Noach does not teach or suggest any friction fit. Viewing FIGURE 4, a space is clearly seen at the interface between the bottom of profile member 3a and the jamb 1. Clearly, no friction fit is contemplated.

Claims 24-34 recite door assemblies using jamb assemblies contemplated by the respective Claims from which they depend. No combination of references of record makes obvious such door assembly combinations.

Claims 35-41 recite buildings comprising doorways and door assemblies contemplated by the respective Claims, e.g. Claim 24, from which they depend. No combination of references of record makes obvious such buildings.

Claims 42-45 and 53 recite buildings and doorways wherein the door assembly is mounted in the doorway using a fastener having a detachable head and wherein the head has a bore which terminates in a dead end. No combination of references of record makes obvious such fastener.

In summary, Applicant believes that Claims 1-54 are patentably distinct over the cited references and should be allowed at this time.


Applicant submits that all bases of rejection have been overcome, that no new matter has been added, and that the claims as amended are allowable over all references of record. Allowance of all claims in the application is respectfully solicited.

No fee is believed to be due other than the fee for the RCE submitted herewith. Should any other fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Please feel free to contact the undersigned with any questions, comments

or concerns, at the telephone number listed below.

Respectfully submitted,
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